

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON, et al.,

Defendants.

NO. C70-9213

Subproceeding No. 19-1

**STIPULATION AND ORDER GRANTING
PRELIMINARY INJUNCTION
REGARDING LUMMI FISHING IN
REGION 2 EAST**

The undersigned parties stipulate to entry of the following order.

Dated: December 3, 2019

THE SWINOMISH INDIAN TRIBAL
COMMUNITY

By: s/ Emily Haley

James M. Jannetta, WSBA #36525

Emily Haley, WSBA # 38284

Office of Tribal Attorney

11404 Moorage Way

La Conner, Washington 98257

Tel: (360) 466-1134

Email: jjannetta@swinomish.nsn.us

Email: ehaley@swinomish.nsn.us

*Attorneys for the Swinomish Indian Tribal
Community*

MORISSET SCHLOSSER JOZWIAK &
SOMERVILLE

By: s/ Mason D. Morisset

Mason D. Morisset, WSBA #00273

218 Colman Building

811 First Avenue

Seattle, Washington 98104

Tel: (206) 386-5200

Email: m.morisset@msaj.com

Attorneys for the Tulalip Tribes

UPPER SKAGIT INDIAN TRIBE

LUMMI NATION

By: s/ David S. Hawkins
David S. Hawkins, WSBA #35370
General Counsel
25944 Community Plaza Way
Sedro-Woolley, Washington 98284
Tel: (360) 854-7016
Email: dhawkins@upperskagit.com

Gabriel Cantu, WSBA #52733
Cynthia Cartwright, WSBA #55756
2665 Kwina Road
Bellingham, WA 98266
Telephone: (360) 312-2162
Facsimile: (360) 380-3962
E-mail: CynthiaC@lummi-nsn.gov
E-mail: GabrielC@lummi-nsn.gov

HARRIGAN LEYH FARMER & THOMSEN
LLP

By: s/ James M. Schurz
James M. Schurz, pro hac vice
Elizabeth Balassone, pro hac vice
Morrison Foerster
415 Market Street
San Francisco, CA
Telephone: (415) 268-7000
Facsimile: (415) 268-7522
E-mail: jschurz@mofo.com
E-mail: EBalassone@mofo.com

By: s/ Kristin E. Ballinger
Arthur W. Harrigan, Jr., WSBA #1751
Tyler L. Farmer, WSBA #39912
Kristin E. Ballinger, WSBA #28253
999 Third Avenue, Suite 4400
Seattle, Washington 98104
Tel: (206) 623-1700
Email: arthurh@harriganleyh.com
Email: tylerf@harriganleyh.com
Email: kristinb@harriganleyh.com

Attorneys for Lummi Nation

Attorneys for Upper Skagit Indian Tribe

ORDER GRANTING PRELIMINARY INJUNCTION

For the reasons stated in the Order Granting Temporary Restraining Order (Dkt. # 37), the Court ORDERS:

Lummi Nation is hereby ENJOINED from issuing any regulations, opening or participating in any fishery, or otherwise authorizing fishing for any species in Region 2 East. Lummi Nation shall provide notice of this Order by a recording for the Fishing Regulation Hotline and shall take fisheries enforcement action against individual members of Lummi Nation who fail to comply with this Order. This injunction shall continue until otherwise ordered by the Court.

Lummi shall answer the Request for Determination as required by Paragraph 25 no later than December 20, 2019. The parties shall file a proposed case schedule no later than December 20, 2019. All other due dates required by Paragraph 25 of the Permanent Injunction as modified in 1993 (*see United States v. Washington*, 18 F. Supp. 3d 1213 (W.D. Wash. 1993)), the Federal

1 Rules of Civil Procedure, and the Local Rules for the Western District of Washington are stayed
2 until further order of the Court.

3 DATED this 3 day of December 2019.

4
5 

6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25